

Ordinance 2006-2

**VILLAGE OF STURTEVANT ORDINANCE 13.08 TO ESTABLISH
WATER SERVICE PROVIDED THROUGH THE CITY OF RACINE TO THE AREA
DESIGNATED AS COBBLECOURT.**

13.08 WATER SERVICE PROVIDED BY CITY OF RACINE

"(1.) Definitions.

For purposes of this section, the following words and phrases have the meaning specified.

- (a) "City" means the City of Racine, Wisconsin.
- (b) "Developer" means any person other than the Village causing work to be done that requires installation of, construction of or changes to the Local Water Facilities.
- (c) "Local Water Facilities" means water mains that are designed to provide for local water distribution and all related appurtenances and equipment, including, without limitation, fire hydrants, valves, pump stations and water services in the Village service area which facilities are owned, operated and maintained by the Racine Utility.
- (d) "Racine Utility" means the Water Utility owned by and a department of the City.
- (e) "Racine Water System" means the water system facilities owned and operated by the Racine Utility.
- (f) "Village Service Area" means the geographical area within which the City and the Racine Utility provide retail water service to the territory of the Village and to individual retail customers within such territory, pursuant to the agreement between the Village, City and Racine Utility, entitled "Agreement For Water Service Between The Village of Sturtevant, The City of Racine and The City of Racine Water Utility By Its Waterworks Commission", dated June 22, 2005.

(2) Section 13.08 shall only apply to the Village of Sturtevant service area as defined in 13.08 (1)(f)

(3) Requirements; Prohibitions.

- (a) No person shall make a new service connection to the Racine Water System or expand a building or change the use of a building or real property in the Racine Water System's retail service area to the Village without first filing with the Village an application for the necessary permits and approvals and submitting the information required to determine the applicability and amount of the connection charge that the Village is required by agreement to pay to the City of Racine. Such information shall be submitted to the Village on forms provided by the Village and shall include, without limitation, the number of bedrooms for each multi-family residential unit and, for all non-residential uses, the SIC codes for all uses and the maximum potential employee hours for a peak day of operations.
- (b) No person shall make a service connection to the Racine Water System in such retail service area without first receiving from the Village a written permit or written approval therefor.

- (c) No person shall be authorized by the Village to make a retail water service connection to the Racine Water System for any person or property outside of the Village Service Area, except as otherwise provided for by agreement between the Village and the City.
- (d) No person shall make a service connection to the Racine Water System for any person or for any property outside the Village Retail Service Area, except as otherwise provided by agreement between the Village and the City.
- (e) No single water user shall use water from the Racine Water System to the extent that the user's average daily water use exceeds 9,000 gallons per day per acre of the user's contiguous land that is served by the Racine Water System without first having made and duly satisfied any special arrangements or complied with any special requirements specified by the Racine Utility after review of the situation by the Racine Utility.
- (f) No person shall construct or install in the Racine Water System's retail service area to the Village a water main that is less than 12 inches in diameter that is intended to serve multi-family residential, commercial, industrial, institutional or other non-residential or non-rural land uses; or a water main that is less than eight inches in diameter that is intended to serve single-family or duplex residential or rural land uses that are not multi-family residential, commercial, industrial or institutional in nature, or a new water main that is less than eight inches in diameter that will be part of the Local Water Facilities.
- (g) No person shall commence construction or installation of Local Water Facilities in the Racine Water System retail service area of the Village without first having received from the Racine Utility written approval of the size and location of all Local Water Facilities, and written approval of all plans and specifications for such facilities. The Racine Utility shall complete its review of plans and specifications for Local Water Facilities within 45 days after receiving them.
- (h) All Local Water Facilities in the Racine Water System retail service area to the Village shall be constructed and installed in accordance with plans and specifications prepared and sealed by a Wisconsin registered professional engineer and shall satisfy all applicable standards of the City and/or Racine Utility for water mains and other water facilities to be constructed or installed in the City, and in compliance with all of the rules and regulations imposed by the City and/or Racine Utility with respect to installation and construction standards of water mains and related equipment and appurtenances.
- (i) No person retained by the Village or by a Developer shall perform work on Local Water Facilities in the Racine Water System retail service area to the Village without having made, in advance, arrangements with the Racine Utility for construction review of the construction or installation of all Local Water Facilities. The Village or the Developer, whichever is having the work performed, shall, within 30 days after receipt of an invoice from the Racine Utility, reimburse the Racine Utility for the cost of construction review of the construction or installation of the Local Water Facilities, for which purpose the Racine Utility may retain construction review personnel.
- (j) No person that has not been pre-approved to construct and install water facilities in the City shall construct or install Local Water Facilities in the Racine Water System retail service area to the Village. The Village or the Developer shall submit to the Racine Utility the names and addresses of all contractors and subcontractors that will be used in connection with a Local Water Facilities project in such area, including a description of their respective roles in such project, and shall not commence construction or installation on any such project until the Racine Utility approves the project in writing.

- (k) The Village or the Developer, whichever is having the work performed, shall be responsible for paying all costs and fees incurred in connection with the provision of Local Water Facilities, including, without limitation, site or easement acquisition, project review, construction review, engineering, construction, legal services and permitting.
- (l) The Village or the Developer, whichever is having the work performed in the Racine Water System retail service area to the Village, shall obtain all authorizations, permits or approvals required for the construction or installation of any Local Water Facilities and all easements or other interests in real property required to construct, install, maintain, repair and replace any such facilities, and shall be responsible for paying all related costs. All such easements, authorizations, permits and approvals shall be subject to review and approval as to form and content by the Racine Utility in conjunction with the Racine Utility's review of plans and specifications for any Local Water Facilities project.
- (m) After completion and testing of each Local Water Facilities project in the Racine Water System retail service area to the Village, and review and approval by the Racine Utility (including preparation and approval of as-built plans for the project), the Village or the Developer, whichever is having the work performed, shall give, grant, dedicate and transfer ownership of the Local Water Facilities to the Racine Utility and shall assign to the Racine Utility any related authorizations, permits and approvals, all free of cost to the Racine Utility or the City and free and clear of any liens or encumbrances that are not accepted in writing by the Racine Utility, and shall assign to the City any related easements or other interests in real property that are required to operate, maintain, repair or replace such facilities, all free of cost to the City and the Racine Utility and free and clear of any encumbrances that are not accepted in writing by the Racine Utility. Upon written notice from the Racine Utility to the Village of its acceptance of such Local Water Facilities, the Racine Utility shall own and be responsible for the repair and maintenance of such Local Water Facilities, except when repair or maintenance is required because of acts of the Village, the Developer or its or their employees, agents or contractors, or their subcontractors.
- (n) All local Water Facilities dedicated and transferred to the Racine Utility shall be warranted by the Village and the Village's contractor or by the Developer and the Developer's contractor, whichever is having the work performed and whichever performed the work, to be free of defects or insufficiencies in design, construction or materials for a period of one year from and after the Racine Utility's acceptance in writing of the dedication and transfer of such facilities. The Developer shall provide to the Racine Utility a letter of credit or other form of security satisfactory to the Racine Utility, in an amount of ten percent (10%) of the total project cost, the form of which is approved by the Racine Utility, to secure such warranty.
- (o) No connection to Local Water Facilities project in the Racine Water System retail service area to the Village shall be permitted by the Village until after the dedication and transfer of the Local Water Facilities to the Racine Utility has been accepted in writing by the Racine Utility, with a copy provided to the Village, such facilities have become part of the Racine Water System, and a water meter has been installed by the Racine Utility for each such connection.
- (p) No work on any Local Water Facilities project in the Racine Water System retail service area to the Village shall commence until there has been full compliance with all of the requirements of this 13.08.

- (q) The requirements of this 13.08 shall be provided for in a written Agreement binding upon the Village and the Village's contractor, or upon the Village, Developer and the Developer's contractor, whichever is having the work performed as between the Village and the Developer, which Agreement shall be enforceable by the City or the Racine Utility and which shall be approved by the Racine Utility prior to commencement of construction or installation.
- (r) Penalty. Upon conviction, any person found to be in violation of this section shall forfeit an amount of not less than \$50 nor more than \$500. Each day that a violation continues shall be considered a separate offense."

WATER METERS

(4) Disconnecting or removing water meters.

No person shall disconnect or remove any water meter from the place where such meter is connected to the Racine Water System without first obtaining written consent from the Racine Water Utility ("Racine Utility").

(5) Industrial buildings--Remote metering.

- (a) No retail water service to an industrial building in the Racine Water System retail service area to the Village first being served on or after **March 1, 2006** or to any such building that is remodeled or rehabilitated so as to require changes to the water service on or after **March 1, 2006**, shall be initiated or maintained without installation, operation and maintenance of authorized automatic meter reading (AMR) equipment and a telephone line for the purpose of monitoring all water metering equipment for the building.
- (b) The Racine Utility shall not install a water meter for an industrial building covered by this section until the owner or other responsible party ("owner") complies with this section. If the owner fails to maintain the monitoring system and/or telephone line associated therewith, the Utility may take appropriate action to terminate the water service.

WATER CONSERVATION

(6) Declaration of emergency.

The Racine mayor and, in his absence, the president of the Racine Waterworks Commission, is authorized, empowered and directed to declare the existence of an emergency relating to the Racine Water System's available water supply and to impose restrictions on the use of water during the emergency, following consultation with the Village President.

(7) Imposition and notice of restrictions during emergency.

Whenever the Racine mayor or, in his absence, the president of the Racine Waterworks Commission or designee, has declared the existence of an emergency and imposed reasonable restrictions on the use of water and reasonable notice of such emergency and restrictions has been to the general public, such restrictions shall be in full force and effect in the Village. The violation or failure to observe any restriction so imposed shall constitute a violation of this section 13.08

(8) Penalty for violation.

Upon conviction, any person violating any restriction on the use of water imposed pursuant to section 13.08 shall be subject to a forfeiture of not less than \$50 nor more than \$500. Each day of violation constitutes a separate offense.

(9) Penalties for nonpayment of invoice; notice.

- (a) Delinquent charges. All general service-urban, general service-suburban, and private fire protection service customers shall pay invoices of the Racine Utility for such services within 15 days from the date of such invoices; all such customers who fail to pay such invoices within such 15-day period shall pay a penalty as authorized in the latest Wisconsin Public Service Commission ("PSC") rate case. The Racine Utility is authorized to shut off water service upon three days' written notice to the water customer for failure to pay the water invoice within 20 days from the date of the invoicing; the Racine Utility is further authorized to charge a service fee as authorized in the latest PSC rate case for turning on water; all as authorized by the orders of the PSC.
- (b) Notice of delinquency. The Racine Utility will give notice not later than October 15 of each year to the owner or occupant of each lot or parcel of real estate in the Village to which the Racine Utility has furnished retail water service prior to October 1 of that year for which payment is owing and in arrears at the time of giving the notice. The notice shall state the amount in arrears, including any penalty assessed pursuant to the rules of the Racine Utility; and that unless the amount is paid by November 1 a penalty of 10% of such amount will be added; and that unless the amount in arrears and any added penalty are paid by November 15, the amount in arrears and any added penalty will be levied as a tax against the lot or parcel of real estate to which retail water service was furnished and for which payment is delinquent.
- (c) Certificate of delinquency. On November 16, or as soon thereafter as is practicable, the Racine Utility shall certify and file with the Village Clerk a list of all lots or parcels of real estate (giving the legal description of each) for which notice of arrears and any added penalty was given and with respect to which an amount in arrears and/or any added penalty remain unpaid, stating the amount of arrears and added penalty. The Village Clerk shall insert the total delinquent amount including any added penalty as a tax against the lot or parcel of real estate. The Village shall thereafter take reasonable actions to collect the delinquent amounts, including penalties. Upon collection of any delinquent amounts, including penalties, the Village shall promptly pay such amounts to the Racine Utility. The Village hereby adopts as a part of this section, Wis. Stat. §66.0809(3), as though the Racine Utility were a utility operated by the Village, for the purpose of carrying out the provisions of this section, and the Utility is hereby authorized to give the notice of delinquency.

(10) ACCESS TO PROPERTY

The Village authorizes City of Racine agents, contractors and employees to enter upon private property for the purpose of installing water meters, reading and maintaining water meters, inspecting water meters, inspecting water connections and any other purposes that are associated with the City's discharge of its responsibilities in providing water service to the Village, to the fullest extent authorized

(11) OFFENSES PROVISIONS

(b) No person, except governmental officials or governmental employees in the course of their official duties or other persons with prior written authorization from the Village or from the Racine Water Utility, shall intentionally release water from or take water from fire hydrants in the Village.

(12) WATER CONNECTION CHARGE

Residential Equivalent Connection (REC) means the measure of annual water usage expressed in terms of the amount of water used by a typical single-family residence, which shall initially be deemed to be 72,000 gallons per year. The REC may be adjusted as appropriate in light of ongoing experience, but only in connection with an adjustment in the amount of the connection charge per REC.

(c) Residential equivalent connection tables.

The following tables shall be used to determine the RECs to be used from the Racine Water System:

(1) Residential Users		REC
Condominium	1.00	
Single- family home		1.00
Duplex	2.00	
Multiple-family (2 bedrooms or more)	1.00/unit	
Multiple-family (1 bedroom or less)	0.75/unit	

(2) Non-residential users.

SIC Code	Description	Gallons per Employee Hour
0742	Veterinary services for animal specialties	20.0

0752	Animal specialty services	16.0
0782	Lawn and garden services	10.0
1446	Industrial sand	5.0
1521	General contractors - Residential	2.3
1541	General contractors - Industrial buildings and warehouses	2.3
1611	General contractors - Public works	2.3
1711	Plumbing, heating and air conditioning	2.3
1731	Electrical work	2.3
1761	Roofing and sheet metal work	2.3
1799	Special trade contractors, N.E.C.	2.3
2013	Sausage and other prepared meats	110.0
2065	Candy and other confectionery products	50.0
2087	Flavoring extracts and syrups, N.E.C.	75.0
2394	Canvas and related products	2.3
2431	Millwork	5.0
2434	Wood kitchen cabinets	5.0
2522	Metal office furniture	2.3
2721	Periodicals: Publishing and printing	10.0
2731	Books: Publishing and printing	10.0
2751	Commercial printing, letterpress and screen	10.0
2752	Commercial printing, lithographic	10.0
2789	Book binding and related work	10.0
2795	Lithographic platemaking and related services	25.0
2819	Industrial inorganic chemicals, N.E.C.	10.0
2834	Pharmaceutical preparation	10.0
2841	Soap and other detergents	15.0
2893	Manufacturing of printing ink	30.0
2899	Chemicals and chemical preparations, N.E.C.	10.0
3079	Miscellaneous plastic products	85.0
3111	Leather tanning and finishing	345.0
3272	Concrete products, except block and brick	25.0

3442	Metal doors, sash, frames, molding and trim	2.3
3444	Sheet metal work	40.0
3451	Screw machine products	10.0
3462	Iron and steel forging	5.0
3469	Metal stampings, N.E.C.	5.0
3471	Electroplating, plating, polishing, anodizing, etc.	50.0
3479	Coating, engraving and allied services, N.E.C.	100.0
3495	Wire springs	2.3
3498	Fabricated pipe and fittings	2.3
3499	Fabricated metal products, N.E.C.	25.0
3531	Construction machinery and equipment	5.0
3544	Spec. dies and tools, die sets, jigs and fixtures, molds	10.0
3562	Ball and roller bearings	5.0
3565	Industrial patterns	5.0
3569	General industrial machinery and equipment, N.E.C.	4.0
3576	Scales and balances, except laboratory	2.3
3599	Machinery, except electrical, N.E.C.	10.0
3613	Switchgear and switchboard apparatus	5.0
3632	Household refrigerators and home and farm freezers	2.3
3694	Electrical equipment for internal combustion engines	2.3
3714	Motor vehicle parts and accessories	75.0
3999	Manufacturing industries, N.E.C.	2.3
4141	Local passenger transportation charter service	2.3
4151	School buses	2.3
4212	Local trucking without storage	10.0
4213	Trucking, except local	2.3
4225	General warehousing and storage	2.3
4311	U.S. Postal Service	2.3
4722	Travel agency	2.3
4811	Telephone communication	2.3
4832	Radio broadcasting	2.3

5042	Toys and hobby goods and supplies	2.3
5063	Electrical apparatus and equipment	2.3
5054	Electrical appliances	2.3
5072	Hardware - Wholesale distribution	2.3
5082	Construction and mining machinery and equipment	2.3
5084	Industrial machinery and equipment	2.3
5142	Frozen foods	10.0
5149	Wholesale groceries and related products, N.E.C.	10.0
5199	Wholesale nondurable goods, N.E.C.	10.0
5211	Lumber and other building materials dealers	2.3
5231	Paint, glass, wallpaper	2.3
5251	Hardware - Retail sales	2.3
5261	Retail nurseries, lawn and garden supply stores	10.0
5271	Mobile home dealers	2.3
5311	Department stores	2.3
5331	Variety stores	2.3
5411	Grocery stores with meat and produce departments	16.0
5412	Grocery stores without meat and produce departments	6.0
5441	Candy, nut and confectionery stores	10.0
5462	Retail bakeries - Baking and selling	10.0
5499	Miscellaneous food stores	2.3
5511	Motor vehicle dealers	5.0
5531	Auto and home supply stores	2.3
5541	Gasoline service stations	15.0
5551	Boat dealers	5.0
5611	Clothing stores	2.3
5651	Shoe stores	2.3
5681	Furriers and fur shops	5.0
5711	Furniture, floor coverings, appliances	2.3
5812	Eating places (restaurants)	20.0
5813	Drinking places (taverns)	45.0

5912	Drugstores and proprietary stores	2.3
5921	Liquor stores	2.3
5931	Used merchandise stores	2.3
5941	Sporting goods stores and bicycle shops	2.3
5942-9	Miscellaneous stores	2.3
5992	Florists	10.0
5999	All other retail stores	2.3
6022-59	Banks	2.3
6122-63	Savings and loans	2.3
6311	Insurance companies	2.3
6411	Insurance agents	2.3
6512	Operators of nonresidential buildings	2.3
6515	Operators of residential mobile home sites	2.3
6531	Real estate agents and managers	2.3
6553	Cemetery subdividers and developers	2.3
6722	Management investment offices	2.3
7011	Hotels, motels, tourist courts	0.5 REC/Unit
7211	Power laundries, family and commercial	105.0
7212	Cleaning and laundry pickup stations	2.3
7215	Fac. coin-op laundries and dry cleaning	910.0
7221	Photographic studios	2.3
7231	Beauty shops	16.0
7241	Barber shops	10.0
7261	Funeral service and crematories	15.0
7299	Miscellaneous services, N.E.C.	2.3
7311	Advertising agencies, employment services	2.3
7332	Blueprinting and photocopying services	2.3
7351	Employment agencies	2.3
7391	Research and development laboratories	10.0
7395	Photo finishing labs	10.0
7512	Passenger car rental and leasing, w/o drivers	10.0

7531	Top and body repair shop	5.0
7534	Tire retreading and repair shops	20.0
7538	General automotive repair shops	5.0
7542	Car washes	115.0
7622	Radio and television repair	2.3
7699	Repair shops and related services, N.E.C.	2.3
7832	Motion picture theaters, not drive-ins	20.0
7911	Dance halls, studios and schools	20.0
7922	Theatrical producers	20.0
7933	Bowling alleys	50.0
7992	Public golf courses	45.0
7997	Membership sports and recreation clubs	75.0
7999	Roller rinks, gymnasiums, museums	20.0
8011	Offices of physicians	10.0
8021	Offices of dentists	10.0
8031	Offices of osteopaths	10.0
8041	Offices of chiropractors	10.0
8051	Skilled nursing care facilities	20.0
8091	Health and allied services, N.E.C.	10.0
8111	Attorneys	2.3
8211	Elementary and secondary schools	20.0
8221	Colleges, universities and professional schools	25.0
8231	Libraries and information centers	20.0
8249	Vocational schools, N.E.C.	20.0
8421	Arboreta, botanical and zoological gardens	45.0
8621	Professional membership organizations	2.3
8641	Civic, social and fraternal associations	15.0
8661	Religious organizations (hours occupied only)	20.0
8699	Membership organizations, N.E.C.	2.3
38911	Engineering, architectural and surveying services	2.3
8931	Accountants	2.3

9199	General government, N.E.C.	2.3
38911	Engineering, architectural and surveying services	2.3
8931	Accountants	2.3
9199	General government, N.E.C.	2.3
9221	Police protection	2.3
9224	Fire protection	2.3
9451	Administration of veteran's affairs	2.3
9999	All offices, N.E.C.	2.3

The minimum number of RECs for any account, residential or non-residential, shall not be less than 1.00 REC. Upon completion of the REC computations, the number of RECs for each account will be rounded up to the nearest whole number of RECs.

(13). Connection charges.

(a) Established. Except as otherwise provided, a connection charge is hereby established for each new service connection to the city water supply system and for each change of use or for the addition of a new use or for a new or expanded building on a lot or parcel already connected to the Racine Water System at the time of application. The connection charge shall be based upon the user's potential required use of the water supply system. The connection charge shall not apply to the Village of Elmwood Park, the Village of North Bay or the Town of Somers if they fail to enter into a retail water service agreement that is substantially similar to the agreement between the city and the Village of Mt. Pleasant.

(b) Amount. Upon enactment, the connection charge for each REC shall be \$3,047. The amount of the connection charge shall be adjusted annually as of February 1 of each year by the percentage change in the annual average (20-city prices) Construction Cost Index (as published by the Engineering News Record). The city shall also adjust the connection charge, as needed, using a rolling 10-year capital improvement plan and a rolling recovery period that extends 10 years beyond the 10-year capital improvement plan, and shall also adjust the connection charge pursuant to contract provisions. The charge shall be implemented as follows:

- (1) The municipality shall obtain and, if extraterritorial, provide to the city reliable information from each applicant for a connection to the Racine water system, before approving the connection, relating to the specific proposed use(s) of the property, in terms of the SIC Codes, if applicable, and the maximum employee hours for a peak day of operations.
- (2) Based on the information provided, the city shall calculate the number of residential equivalent connections for that property/development using the method set forth in §13.08(12) (c) and shall calculate and impose a connection charge in accordance with §13.08(13). All REC calculations for an account shall be rounded up to the nearest whole REC. A minimum fee based upon 1 REC shall apply to all nonresidential connections.
- (3) Connected Properties. A connection charge for a change of use or the addition of a new use or for a new or expanded building or other facility, after an initial connection

charge has been paid by a contracted municipality with respect to the lot or parcel on which such use or facility is located, shall be based on the difference between the projected water usage of the total new or expanded use or facility determined pursuant to this chapter and the actual annual average water usage of the use or facility for which the initial connection charge was paid, if available, or if not, the projected water usage of such prior use or facility determined pursuant to this chapter.

- (4) A connection charge for a change of use or the addition of a new use or for a new or expanded building or other facility, when no connection charge has previously been paid by the contract municipality with respect to the lot or parcel on which such use or facility is located, shall be based on the difference between the projected water usage of the total new or expanded use or facility determined pursuant to this chapter and the actual annual average water usage of the most recent prior use or facility, if available, and if not, the projected water usage of such prior use or facility determined pursuant to this chapter.
- (5) Based upon the information obtained under subparagraph 3., the city shall recalculate the number of Residential Equivalent Connections, and may recalculate the charge pursuant to this section and §13.08(12)(c) above. If the recalculated charge exceeds that of the original charge, the difference between the recalculated charge and the amount paid for the original charge shall become due and payable at the time the adjustment is made. There will be no refund notwithstanding the result of the recalculation.
- (6) Since the charge determined under subparagraphs 1. and 2. above is based upon estimated intended usage, the city shall have the right to recalculate the connection charge at any time between the first and third anniversary dates of any connection charge due date, based upon the highest actual recorded usage during any twelve month period since such event.

(c) Collection of connection charges. Connection charges for properties located in the city, calculated and due pursuant to this section, shall be paid at the time a plumbing or building permit is issued.

(d) Disposition of connection charges. All charges collected pursuant to this section shall be deposited in an appropriate segregated fund. Interest earned by the fund shall be credited to the fund and shall be used solely for the purposes specified for the fund.

Adopted this 21st Day of February, 2006

Steven Jansen, President

Donna Deuster, Clerk/Deputy Treasurer